

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DANIEL DEAN BALLARD,

Plaintiff

Case No. 3:21-cv-00460-RCJ-WGC

ORDER

v.

STATE OF NEVADA et al.,

Defendants

In response to this Court's order, Plaintiff filed a notice indicating that he intends to proceed with his petition for writ of habeas corpus instead of his 42 U.S.C. § 1983 complaint in this case. (ECF No. 14). Plaintiff also requests that the Clerk's Office file his § 1983 complaint in a separate case and assign him a new case number. (*Id.*)

The Court will permit Plaintiff to proceed with his petition for writ of habeas corpus along with his habeas related filings in this case. (See ECF Nos. 6, 7, 8, 9, 10, 11). However, the Court will not file Plaintiff's § 1983 complaint in a separate action for him. The Court will send Plaintiff a courtesy copy of his § 1983 complaint. If Plaintiff seeks to initiate a § 1983 action, he may file his complaint and a fully complete application to proceed *in forma pauperis* to the Clerk of the Court.

It is therefore ordered that the Clerk of the Court will strike the complaint (ECF No. 4-1) from the docket. The Clerk of the Court will send Plaintiff a courtesy copy of his complaint (ECF No. 4-1).

It is further ordered that the Clerk of the Court will administratively recode this case as a habeas case including cause of action, nature of suit, and flagging. This case will proceed as a habeas action.

DATED: December 17, 2021.

William G. Cobb

UNITED STATES MAGISTRATE JUDGE